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PHILIPPINES

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I. LAND AND PEOPLE

1. The Philippines is an archipelago of over 7,100 islands and islets lying 966 kilometres off the southern coast of mainland Asia. It is situated near the equator. To its west and north is the South China Sea; to the east, the Pacific Ocean; and to the south, the coastal waters of Borneo. Its total land area is about 300,000 square kilometres, extending 17,460 kilometres from north to south. Territorial waters measure 2.2 million square kilometres. Its total coastline, the longest in the world, spans 34,600 kilometres.

2. The country has three major island groups: Luzon, Visayas, and Mindanao. It is divided into 15 administrative regions with 76 provinces, 61 cities, 1,543 municipalities and 41,876 barangays (villages).

3. The country is vulnerable to natural calamities. It lies within the Pacific seismic belt. It has 21 active volcanoes. It is visited by an average of 19 typhoons a year.

4. The Filipino is of Malay racial stock. The indigenous culture is a mixture of Malay, Chinese, Japanese, Arabic, Spanish and American influences.

5. There are 110 ethno-linguistic groups in the country which speak at least 70 recorded languages. There are eight major languages, with Filipino, the national language, and English as official working languages.

6. Eighty-five per cent of Filipinos are Christians, the large majority of whom are Roman Catholics. A little over 10 per cent of the population practise Islam and the rest belong to other denominations or sects.

7. The Philippines has the fourteenth largest population in the world. There were 60.68 million Filipinos as of the 1990 Census of Population. The population has grown over the past 10 years at an annual average rate of about 2.3 per cent. In 1990 approximately 47.2 per cent of the population (28.9 million) were children under the age of 18.

8. Population density is 202 persons per square kilometre. About half of the population is concentrated in urban centres. Pockets of poverty exist in major cities. The urban slum and squatter population make up about 17 per cent of the total population and 40 per cent of the urban population.

9. The country's economy is based on agriculture and light industry. Rice, corn, coconut, pineapple and sugar are its major agricultural products. Its rich mineral resources, which include copper, cobalt, nickel, silver, iron and gold, are major sources of foreign exchange. Its major industrial products include processed food, textiles, clothing, forest products and home appliances. Aquaculture, garments, microcircuits and semiconductors, furniture made from rattan and other indigenous materials are major sources of export revenues.

10. The decade of the 1980s saw the Philippine economy undergoing several shocks and adjustments. At the time that the Medium-Term Philippine Development Plan, 1987-1992, was formulated, the country was suffering from the worst balance-of-payments crisis it had experienced in post-war history. A major concern of the Plan, therefore, was to put the economy back on its feet. Economic recovery was the immediate focus, while sustainable development was the main objective in the medium term. A demand-led employment-oriented and rural-based strategy was envisioned as the foundation for sustained growth.

11. With the Plan, the annual rate of growth of the Gross National Product reached 7.2 per cent in 1988. Growth decelerated in succeeding years of the Plan, however, dropping to 0.6 per cent in 1992. Unexpected external factors and weaknesses in the economy prevented economic growth from being sustained at a high level. These included the slow growth in industrial countries, the Gulf war and internal structural bottlenecks. The occurrence of major natural calamities aggravated the situation.

12. The experience of the past six years has highlighted the need to strengthen the economy's ability to withstand both external and internal shocks and uncertainties.

13. Despite the problems encountered on the economic front, the Government sought to pursue its social development efforts. The proportion of the national budget allocated to social services increased from 17.7 per cent in 1987 to 21.8 per cent in 1991. Education was given the highest priority with 13.0 per cent of the national budget allocated to the sector in 1991.

14. The Government provides social services in the areas of health, nutrition, education, housing, safe water supply and sanitation. Basic services for children are a special concern. The Government is taking definitive steps to address human development concerns in an integrated

manner, through the formulation of a social development framework which will guide the planning and programming of human development-related activities from 1993-1998. The framework takes into account demographic, economic, social and cultural factors which influence the attainment of total human development in the Philippines.

15. Starting in 1986, the Government has more explicitly focused on poverty alleviation as a goal of national development efforts. In 1988, poverty incidence among Filipino families was 55.2 per cent, three percentage points lower than it was in 1985.

16. A Commission to Fight Poverty has been established by the Government as one of the approaches towards poverty alleviation and people empowerment. A targeted reduction of poverty incidence down to 30 per cent by 1998 has been set.

II. GENERAL POLITICAL STRUCTURE

17. The Philippines is a democratic and republican State. Sovereignty resides in the people and all authority emanates from them. A new Constitution was ratified by the people in 1987.

18. The Philippines has a presidential form of government. Executive power is vested in the President who is also head of State. The Executive Branch includes 21 Executive Departments.

19. Legislative power is vested in the Congress of the Philippines which consists of a Senate and a House of Representatives. The former is made up of 24 Senators, the latter is made of not more than 200 members elected from legislative districts apportioned among the provinces, cities and the Metro Manila area in accordance with the number of their respective population. The Constitution provides for the appointment to the House of Representatives, by the President of the Philippines, of sectoral representatives from the labour, peasant, urban poor and indigenous cultural communities, women and youth sectors, and such other sectors as may be provided by law, except the religious sectors.

20. Judicial power is vested in the Supreme Court and other courts as may be established by law. The Philippine judicial system includes a Court of Appeals, regional trial courts, municipal trial courts and municipal circuit trial courts.

21. At subnational level, governance is assumed by the respective local government units in each administrative area, i.e. province, city, municipal and barangay (village). Each local government office is composed of both elective and appointive officials.

22. The democratic structure and process have been enhanced by the constitutional provision that the State shall ensure the autonomy of local governments. A new Local Government Code was enacted in 1991 in fulfilment of the constitutional provision that Congress shall enact a local government code which shall provide for a more responsive and accountable local government

structure. Under this Code, responsibility for the delivery of basic services in agriculture, health, social welfare and development, public works, environment and natural resources has been devolved to local government units.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

23. The State values the dignity of every human being and guarantees full respect for human rights. This is one of the State policies embodied in the Constitution. The Bill of Rights specifically prohibits the use of torture, force, threat or intimidation or any other means which vitiates the free will of a person under investigation for the commission of an offence.

24. One of the key differences between the 1973 Constitution and the 1987 Constitution is the inclusion in the latter of an Article on Social Justice and Human Rights. Under this provision, Congress is to give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.

25. Prior to the 1987 Constitution, a number of laws had been enacted protecting human rights. Foremost of these were the Civil Code of the Philippines, the Revised Penal Code of the Philippines, the Labor Code of the Philippines, and the Child and Youth Welfare Code.

26. The Civil Code regulates the private relations of the members of civil society and defines their respective rights and obligations with reference to persons, things and civil acts. Under its provisions, every person must, in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith. It also imposes liability for damages on any public officer or employee or any private individual who directly or indirectly obstructs, defeats or violates or in any manner impedes or impairs any of the rights or liberties of another person as enumerated therein.

27. The Revised Penal Code penalizes violations of human rights, such as: arbitrary detention, delay in release and in the delivery of detained persons to the proper judicial authorities, expulsion, interruption and dissolution of peaceful meetings, maltreatment of prisoners, kidnapping and serious illegal detention, slight illegal detention and unlawful arrest, among others.

28. The Child and Youth Welfare Code, known as the Magna Carta for Children's Rights, defines the rights and responsibilities of children, their parents, the family as a whole, the community, association, school, the Church and the State in ensuring proper development. It outlines administrative measures and programmes for the care and treatment of special children such as dependent, abandoned, neglected and working children, mentally retarded, physically handicapped, emotionally disturbed and mentally ill children and youth offenders.

29. The Labor Code supplements constitutional provisions on the promotion of industrial peace, social justice and protection of workers.

30. The Philippines is a party to major international human rights instruments which guarantee basic fundamental rights for all peoples, regardless of race, colour, religion, nationality or social origins. It adopts the generally accepted principles of international law as part of the law of the land. These instruments can be invoked before, and be directly enforced by, Philippine courts, other tribunals and administrative authorities.

31. All agencies of the Philippine Government, in one way or another, are responsible for the promotion and protection of human rights. The government offices which have direct jurisdiction over human rights issues are the Commission on Human Rights, the Department of Justice and the Tanodbayan (Ombudsman). The Constitution created the Commission on Human Rights as an independent office with the following powers and functions: investigate, on its own or on complaint by any party, all forms of human rights violations involving civil and political rights; adopt its operational guidelines and rules of procedure and cite for contempt for violations thereof in accordance with the Rules of Court; provide appropriate legal measures for the protection of the human rights of all persons within the Philippines, as well as Filipinos residing abroad, and provide for preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection; exercise visitatorial powers over jails, prisons or detention facilities; establish a continuing programme of research, education and information to enhance respect for the primacy of human rights; recommend to the Congress effective measures to promote human rights; monitor the Philippine Government's compliance with international treaty obligations on human rights; and grant immunity from prosecution to any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority.

32. The Commission on Human Rights has established protective legal measures to safeguard the rights of Filipinos according to the principles embodied in the Constitution and international treaties in force in the Philippines. Specifically, the Commission handles complaints of execution, disappearances, illegal arrest and detention, and torture, among others.

33. The Department of Justice performs a vital role in the enforcement and promotion of human rights functioning through its bureaux, offices and committees. These include the Presidential Human Rights Committee, the National Prosecution Service, the National Bureau of Investigation, the Bureau of Immigration, the Public Attorney's Office and the Office of the Solicitor-General.

34. Also involved in the enforcement of human rights is the Tanodbayan (Ombudsman) whose main function is to prevent abuse of power by government officials and employees.

35. A number of other administrative agencies facilitate the implementation and enforcement of human rights, such as the Department of Labor and Employment which sees to it that the rights of workers are protected and their

welfare promoted. The Council for the Welfare of Children coordinates the implementation and enforcement by the Executive Department of all laws related to the promotion of child and youth welfare.

36. There are also non-governmental organizations working in the field of human rights. These include Task Force Detainees, Philippine Association of Human Rights Advocates and Amnesty International - Philippine Section. Major advocates for children's rights are Defence for Children International - Philippine Section, Gabriela's Commission on Family and Children, and Salinlahi.

IV. INFORMATION AND PUBLICITY

37. Specific activities have been undertaken to promote awareness among relevant authorities and the public on the rights of the individual as contained in various human rights instruments. Public information campaigns, training programmes and seminars have been held.

38. In cooperation with the Department of Education, Culture and Sports, the Commission on Human Rights has developed educational materials on human rights for inclusion in the elementary and secondary curricula.

39. The Commission has produced a number of publications including a primer on human rights in Filipino and English. Other printed materials such as posters and brochures are also being developed and disseminated all over the country. It has also conducted a series of consultations and dialogues with government agencies, as well as non-governmental organizations to help promote the concept of human rights.

40. Human rights subjects have been integrated into the regular in-service training of the Armed Forces of the Philippines and the Philippine National Police.

41. Informational and educational materials on human rights, such as primers, posters, brochures, news-letters and other publications, have also been developed by the non-governmental organizations.